

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SAMANTHA F.,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 2:23-cv-2480

Chief Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura

ORDER

Plaintiff, Samantha F., an Ohio resident, seeks review of a final decision of the Commissioner of Social Security denying her applications for social security disability insurance benefits and supplemental security income. (ECF No. 12). In her statement of errors, Plaintiff argues that the Commissioner’s decision is not supported by substantial evidence, and also seeks reversal and remand “pursuant to Sentence 4 of 42 U.S.C. Section 405(g).” (*Id.* at 1). As to this latter ground, Plaintiff asserts “[t]he [Administrative Law Judge (“ALJ”)] failed to evaluate the consistency factor” properly when deeming Dr. Woo’s opinion about the impact of Plaintiff’s medical condition on her ability to work as “not entirely persuasive[.]” (*Id.* at 17).

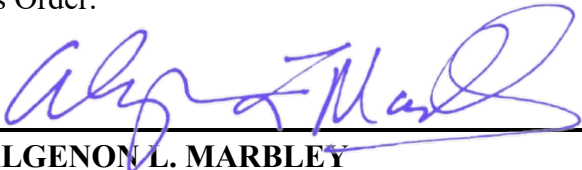
The Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this Court reverse the Commissioner’s decision and remand this case “under Sentence Four of § 405(g)” for further consideration. (ECF No. 16 at 1–2). In so doing, the Magistrate Judge made clear that her recommendation was based only on her inability “to meaningfully review the ALJ’s ... determination” due to the ALJ’s insufficient consideration of the consistency factor when evaluating “all the relevant evidence” in Plaintiff’s case record. (*Id.* at 6, 9) The parties were

advised of their rights to object to the R&R within fourteen days and of the rights they would waive by failing to do so. (*Id.* at 10).

This Court has reviewed the R&R. No objections have been filed, and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Finding the R&R to be correct in fact and law, this Court hereby **ADOPTS** the R&R (ECF No. 16). Plaintiff's statement of errors is **SUSTAINED IN PART** as to Sentence Four of § 405(g). The Commissioner's decision is therefore **REVERSED**, and this case is **REMANDED** to the Commissioner for further consideration consistent with the R&R and this Order.

IT IS SO ORDERED.

DATED: August 8, 2024



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE